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Elimination of racism, racial discrimination, xenophobia and related intolerance

Progress report of the High Commissioner for Human Rights on the realignment of work and name of the Anti-Discrimination Unit

Report of the Office of the United Nations High Commissioner for Human Rights

Summary

The present report is submitted in accordance with General Assembly resolution 68/151, section III, paragraph 10. It provides clarification on the name and activities of the Anti-Racial Discrimination Section of the Office of the United Nations High Commissioner for Human Rights.

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I. Introduction

1. In its resolution 68/151, the General Assembly recalled Human Rights Council resolution 6/22, in which the Council decided to realign and change the name of the Anti-Discrimination Section to more clearly reflect the focus of its activities, and called upon the United Nations High Commissioner for Human Rights to implement the realignment and to submit a progress report thereon to the Assembly at its sixty-ninth session.

2. In accordance with resolution 68/151, the present report provides clarification on the establishment, name and activities of the Anti-Racial Discrimination Section of the Office of the United Nations High Commissioner for Human Rights (OHCHR).

3. In paragraph 191 (c) of the Durban Declaration and Programme of Action, adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001, the World Conference

> welcome[d] the intention of the United Nations High Commissioner for Human Rights to establish, within the Office of the High Commissioner for Human Rights, an anti-discrimination unit to combat racism, racial discrimination, xenophobia and related intolerance and to promote equality and non-discrimination, and invite[d] her to consider the inclusion in its mandate of, inter alia, the compilation of information on racial discrimination and its development, and on legal and administrative support and advice to victims of racial discrimination and the collection of background materials provided by States, international, regional and non-governmental organizations and national human rights institutions under the follow-up mechanism of the Conference.

4. Following the World Conference, the High Commissioner for Human Rights established within her Office an anti-discrimination unit to combat racism, racial discrimination, xenophobia and related intolerance and to promote equality and non-discrimination. The name of the unit was shortened to the Anti-Discrimination Unit.

5. The Commission on Human Rights, in paragraph 13 of its resolution 2002/68, welcomed the establishment of the Anti-Discrimination Unit.

6. In accordance with the established United Nations structure of departments, the Anti-Discrimination "Unit" now falls within the category of a section and is placed in the Rule of Law, Equality and Non-Discrimination Branch of OHCHR. The section focuses on combating racism, racial discrimination, xenophobia and related intolerance. In 2014 the High Commissioner aligned the name of the section with its actual role within OHCHR, changing the name to the Anti-Racial Discrimination Section.

II. Activities of the Anti-Racial Discrimination Section

7. The Anti-Racial Discrimination Section in the Office of the High Commissioner for Human Rights builds national capacity to eliminate racism, racial discrimination, xenophobia and related intolerance by providing advisory services; conducts research and analysis on racism, racial discrimination, xenophobia and related intolerance; provides substantive and secretariat services to intergovernmental

and expert mechanisms addressing the situation of victim groups; and engages with the wider community, forging partnerships, raising awareness and mobilizing support for anti-discrimination measures as reflected in the Durban Declaration and Programme of Action, such as legislation, policies and programmes.

A. Advisory services and technical assistance to eliminate racism, racial discrimination, xenophobia and related intolerance through national action plans, legislation, policies and programmes

8. The Anti-Racial Discrimination Section continues to provide technical advice to Member States on the formulation of policies and programmes, including national plans of action to eradicate racial discrimination and promote equality, and in the review of relevant anti-discrimination legislation. The Anti-Racial Discrimination Section also prepares tools to assist stakeholders to counter racial discrimination and related intolerance.

9. In 2014, OHCHR published *Developing National Action Plans Against Racial Discrimination: A Practical Guide*[1] to assist States and all relevant stakeholders in giving effect to the International Convention on the Elimination of All Forms of Racial Discrimination, the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference.

10. In 2013 and 2014, the Anti-Racial Discrimination Section provided technical assistance to several countries on measures to combat racism, racial discrimination, xenophobia and related intolerance, including Armenia, Belarus, Benin, Bolivia, Burkina Faso, Costa Rica, Georgia, Guinea, Indonesia, Mauritania, Mexico, Nigeria, Panama, the Republic of Moldova, the Russian Federation and Ukraine. Examples of these activities are given below.

11. The Anti-Racial Discrimination Section provided comments on the draft anti-discrimination law of Armenia and the draft law of Georgia on the elimination of all forms of discrimination. The Anti-Discrimination Section organized a workshop in Minsk entitled "Promoting equality and combating racial discrimination and related intolerance". The event was organized with the assistance of the United Nations Development Programme (UNDP) in Minsk, the Ministry of Foreign Affairs of Belarus and the Permanent Mission of Belarus to the United Nations Office at Geneva. Representatives of various ministries attended the event. The workshop enhanced the participants' understanding of human rights norms and practices with regard to combating racism, racial discrimination, xenophobia and related intolerance.

12. The Anti-Racial Discrimination Section organized a two-day conference and a workshop entitled "Equality and non-discrimination: implementing legislation and policies" in Kiev. The event was organized with the support of the Ukrainian authorities, the OHCHR Human Rights Adviser in Kiev and the Ukrainian Parliamentary Commissioner for Human Rights. The events were attended by representatives of the Ministries of Justice and the Interior, the Office of the Ukrainian Parliamentary Commissioner for Human Rights and international and civil society organizations.

[1] United Nations publication, Sales No. E.13.XIV.3.

13. In Chisinau, the Anti-Racial Discrimination Section assisted the Human Rights Adviser in the Republic of Moldova to organize four trainings for judges and prosecutors on international and regional human rights standards and practices with regard to equality and non-discrimination, including racism, racial discrimination, xenophobia and related intolerance. In response to a request by the Minister of Justice, the OHCHR Human Rights Adviser, with the support of the Anti-Racial Discrimination Section, organized four trainings on anti-discrimination legislation for judges and prosecutors. Moreover, a training module on anti-discrimination legislation was developed that can be used for similar trainings in other countries.

14. At the request of the Federal Commissioner for Human Rights and the Council of Regional Commissioners of the Russian Federation, the Anti-Racial Discrimination Section, together with the OHCHR Senior Human Rights Adviser in Moscow, organized a workshop in 2013 on promoting equality and preventing and combating discrimination for focal points on non-discrimination in the ombudsman's offices in the Russian Federation. Federal and regional commissioners for human rights in the Russian Federation participated in the event.

15. In Guinea, the Anti-Racial Discrimination Section organized a workshop for 50 media representatives in Conakry. The purpose of the workshop was to raise awareness on the Durban Declaration and Programme of Action, with a particular focus on the role of media in promoting tolerance and combating racism, racial discrimination, xenophobia and related intolerance. The workshop participants also critically reviewed the existing code of conduct in the context of the provisions of the Durban Declaration and Programme of Action.

16. In Nigeria, the Anti-Racial Discrimination Section supported the National Human Rights Commission and the Ministry of Justice in organizing broad-based national consultations for the development of a national action plan against racial discrimination to be integrated into the National Action Plan for the Promotion and Protection of Human Rights.

17. In Costa Rica, the Regional Office for Central America, together with the Anti-Racial Discrimination Section, supported the development of a national action plan against racism and racial discrimination and facilitated numerous meetings with people of African descent, indigenous peoples and migrant and refugee communities across the country with a view to providing space for dialogue and participation. The staff of the Inter-Institutional Commission in charge of the elaboration of the action plan was also trained.

18. In 2013, the Anti-Racial Discrimination Section, in collaboration with the Consejo Nacional para Prevenir la Discriminación (CONAPRED) of Mexico, supported the elaboration of the new National Action Plan against Racism and Racial Discrimination for the period from 2014 to 2018.

19. In January 2014, the Anti-Racial Discrimination Section organized a workshop on combating discrimination and promoting equality and social cohesion in Jakarta for the States members of the Association of Southeast Asian Nations (ASEAN), and supported national and regional efforts in that regard. The workshop enhanced the capacity of over 70 government officials from ASEAN countries and representatives of the ASEAN Intergovernmental Commission on Human Rights, national institutions and civil society in the region to effectively address issues related to discrimination; cooperation between OHCHR and ASEAN was strengthened.

20. In September 2013, OHCHR launched the database on practical means to combat racism, racial discrimination, xenophobia and related intolerance. The OHCHR anti-discrimination database (http://adsdatabase.ohchr.org/SitePages/Anti-discrimination%20database.aspx), created by the Anti-Racial Discrimination Section, contains a compilation of more than 1,500 records based on information received and collected from about 100 States in all the geographical regions. The database includes legal documents, advice, legal precedents and acquired knowledge along with concrete measures to counter racial discrimination and xenophobia. A unique tool with global coverage and practical measures taken at the international, regional and national levels, the database assists Member States and other stakeholders to increase their knowledge about and capacity to fight against racial discrimination and xenophobia.

21. After extensive research in 2013, the Anti-Racial Discrimination Section prepared a one-page fact sheet on xenophobia, which was used as a resource for various trainings and expert meetings.

22. The Anti-Racial Discrimination Section is finalizing a guidance note titled "National mechanisms for promotion, protection and monitoring with regard to combating racism, racial discrimination, xenophobia and related intolerance". The guidance note focuses on both policy and programmatic aspects of establishing or strengthening national mechanisms to deal with racism, racial discrimination, xenophobia and related intolerance.

23. The Anti-Racial Discrimination Section is finalizing a publication entitled *People of African Descent and the Right to Development: Putting Rights into Practice*. It is a practical guide for United Nations agencies as well as States and civil society working together with people of African descent around the world to enable them to realize their right to development. It includes an analysis of historical experiences and contemporary situations of people of African descent; relevant legal and policy instruments that have contributed to the emergence of norms at the national, regional and international levels; and practical examples and tools derived from development programmes and initiatives concerning people of African descent. The publication aims to raise awareness for stakeholders about the rights of people of African descent and enable them to plan, design, implement and monitor relevant, adequate and participatory development programmes.

24. The Anti-Racial Discrimination Section is developing an online training tool for media professionals, in accordance with the Durban Declaration and Programme of Action. The tool aims to enhance the positive role of media in promoting tolerance and combating xenophobia and other discriminatory phenomena such as hate speech. It will draw on worldwide good practice in promoting equality and social cohesion.

B. Servicing intergovernmental and expert mechanisms addressing the situation of victim groups

25. The Anti-Racial Discrimination Section services the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action. As the secretariat of the Intergovernmental Working Group, the Section consistently endeavours to achieve positive results by working with the various regional groups as well as the Chairperson of the Intergovernmental

Working Group, Ambassador Mohamed Siad Douale (Djibouti), to reach understanding on the topics to be discussed at each session and in the organization of the sessions. The High Commissioner's visible involvement and participation in events at the Intergovernmental Working Group constitutes important leverage for facilitating consensus on critical issues.

26. The Intergovernmental Working Group is one of the key mechanisms established under the Durban review process; it is designed to provide a forum for Member States to discuss and build consensus on measures to prevent and combat racism, racial discrimination, xenophobia and related intolerance. The Intergovernmental Working Group has committed itself to:

(a) Ensuring that its recommendations are consistent with the provisions of the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference. In this regard, the Intergovernmental Working Group allocates sufficient time during its sessions for Member States and other stakeholders, including regional organizations, civil society, national human rights institutions and indigenous peoples, to share their experiences, including on good practices, implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference;

(b) Undertaking measures, with the assistance of OHCHR, to increase awareness on its recommendations and other relevant reports and studies by human rights mechanisms at the level of the Human Rights Council in order to enhance the effective implementation of the recommendations of the Intergovernmental Working Group and facilitate follow-up activities;

(c) Increasing efforts to complement the work of other measures to follow up the outcomes of the Durban conferences, aware of the need to avoid overlapping and/or duplicating initiatives; in this regard, the Intergovernmental Working Group invites experts, in particular the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, to participate in interactive discussions with the Working Group;

(d) Remaining focused throughout its work and addressing three themes per session, enabling the International Working Group to analyse the complex nature of the themes and adopt action-oriented recommendations;

(e) Achieving better coordination and ensuring synergy with other human rights mechanisms, in particular the Working Group of Experts on People of African Descent, by identifying, in particular, common themes for the respective sessions of each working group.

27. The Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action discusses important substantive topics at each of its sessions. For instance, the programme of work of the twelfth session (7-17 April 2014) was dedicated to elaborating a programme of activities for the implementation of the International Decade for People of African Descent, to commence on 1 January 2015, drawing upon the draft programme of action for the International Decade (A/HRC/21/60/Add.2) elaborated by the Working Group of Experts on People of African Descent at its eleventh session and the report of the Secretary-General on how to make the International Decade for People of African Descent effective (A/67/879). The draft programme of activities (see HRC/26/55)

identifies objectives and concrete activities to be conducted at the national, regional and international levels during the International Decade.

28. At previous sessions the Intergovernmental Working Group has thoroughly discussed and adopted important conclusions and action-oriented recommendations on issues such as the role of sport, education and politicians and political parties in combating racism, racial discrimination, xenophobia and related intolerance; equal participation in decision-making processes in the fight against racism; women and racism; good practices; and experiences in the evaluation and monitoring of the situation of women, among other important topics.

29. The Anti-Racial Discrimination Section also services the Working Group of Experts on People of African Descent. From January 2013 to May 2014, the Working Group held two open/public sessions and one closed session. The twelfth session (22-26 April 2013) focused on the theme "Recognition through education, cultural rights and data collection". At the thirteenth session (18-22 November 2013), the experts focused on their internal working procedures and on communications. The fourteenth session (31 March-4 April 2014) focused on the theme "People of African descent: access to justice".

30. In cooperation with the United Nations Office at Geneva and the Anti-Racial Discrimination Section, the Working Group engaged with the wider public through a programme of talks entitled "People of African descent: access to justice", which took place at the United Nations Library. During the programme, the Library launched an online resource guide on people of African descent (http://libraryresources.unog.ch/africandescent). The Library hosted an exhibition entitled "People of African descent: recognition, justice, development" from August 2013 to May 2014.

31. The Working Group also carried out country visits to Panama (14-18 January 2013) and Brazil (4-13 December 2013). It submitted a report to the Human Rights Council on its twelfth session and on its country visits to the United Kingdom of Great Britain and Northern Ireland and Panama (A/HRC/24/52 and Add.1 and 2). The Working Group also participated in an interactive dialogue at the Third Committee of the General Assembly at its sixty-eighth session in November 2013.

32. Under its communication procedure, the Working Group sent two allegation letters (to the United States of America and the Dominican Republic) and one joint allegation letter (to the Netherlands), in cooperation with other mandates.

33. The Anti-Racial Discrimination Section also services the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms of Racial Discrimination. The fifth session of the Ad Hoc Committee took place from 22 July to 2 August 2013. During the session, and further to paragraph 4 of Human Rights Council resolution 21/30, the Committee considered the questionnaire and summary of the responses received from Member States on the three topics of xenophobia; the establishment, designation or maintenance of national mechanisms competent to protect against and prevent all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance; and procedural gaps with regard to the International Convention. In accordance with its programme of work, these topics were also further considered by the Committee with the input of several experts in diverse fields. The Ad Hoc Committee made recommendations on the

three topics, which the Committee will continue to address in the future in addition to two new topics: prevention and awareness-raising, including through human rights education and training in the fight against racism, racial discrimination, xenophobia and related intolerance; and special measures, including affirmative or positive measures, strategies or actions to combat all forms and manifestations of racism; these will be discussed at the Committee's sixth session, to be held in October 2014.

34. In February 2014, the Anti-Racial Discrimination Section organized the third meeting of the Group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action, which had not been able to meet for several years. During the meeting, which was private, the experts discussed their mandate, working methods and future activities.

C. Action to raise awareness and mobilize support for measures to combat racism, racial discrimination, xenophobia and related intolerance as reflected in the Durban Declaration and Programme of Action

35. The Anti-Racial Discrimination Section organizes events annually on 21 March to commemorate the International Day for the Elimination of Racial Discrimination. In 2013, the commemorative event focused on racism in sports, with a special focus on football. Participants at the event included a professional footballer, Kevin-Prince Boateng of AC Milan Football Club; a football administrator, Patrick Vieira of Manchester City Football Club; representatives of the football governing bodies UEFA (Union of European Football Associations) and FIFA (Fédération Internationale de Football Association) and civil society groups, including professional footballers' associations. The event, attended by ambassadors, delegates, United Nations staff and civil society organizations, was the first such gathering to discuss the challenges posed by racism in the sport and how football could be used to combat racism in society. As a result of that event and subsequent engagement by the Anti-Racial Discrimination Section, OHCHR was invited to join the FIFA Task Force against Racism and Discrimination and the Doha Goals Forum and to partner in a global civil society initiative, Global Watch, aimed at addressing racism in sports.

36. The commemoration of the International Day for the Elimination of Racial Discrimination in 2014 focused on the .ole of leaders in mobilizing political will to combat racism and racial discrimination, with the participation of anti-apartheid icons Ahmed Kathrada, Gorge Bizos, Barbara Hogan and Tokyo Sexwale, as well as a member of the European Union Parliament, Emine Bozkurt, and film producer Anant Singh. The event was preceded by the first screening in Europe of the film *Mandela: Long Walk to Freedom* by its producer, Anant Singh.

37. To increase awareness on incitement to discrimination, hostility or violence, in 2013 the Anti-Racial Discrimination Section organized an event in the Palais des Nations in Geneva to launch the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. The Rabat Plan of Action is a set of conclusions and recommendations emanating from four regional expert workshops organized by OHCHR in 2011 and addressed to Member States, the United Nations

system, particularly OHCHR, human rights mechanisms, political and religious leaders and civil society, with a view to fostering more effective implementation of the international prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

38. On 28 January 2014, the Anti-Racial Discrimination Section organized a panel discussion for the International Day of Commemoration in Memory of the Victims of the Holocaust. The event, organized by OHCHR for the first time, featured an opening address by the High Commissioner.

D. Fellowship Programme for People of African Descent

39. The Fellowship Programme for People of African Descent, organized by the Anti-Racial Discrimination Section, provides the participants with an intensive learning opportunity to deepen their understanding of the United Nations human rights system, instruments and mechanisms, with a focus on issues of particular relevance to people of African descent. The Fellowship Programme allows the participants to better contribute to the protection and promotion of the civil, political, economic, social and cultural rights of people of African descent in their respective countries. A key component of the Fellowship Programme is the in-depth briefings on the various human rights mechanisms dealing with issues pertaining to racism, racial discrimination, xenophobia and related intolerance, including the intergovernmental mechanisms, the special procedures of the Human Rights Council and the Committee on the Elimination of Racial Discrimination.

40. The third Fellowship Programme for People of African Descent took place from 15 April to 3 May 2013, with seven participants from Australia, Costa Rica, France, Panama, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America. The fourth Fellowship Programme took place from 24 March to 11 April 2014, with five fellows from Canada, Colombia, Curaçao (the Netherlands), Sweden and the United States.

III. Conclusion and recommendations

41. **The Anti-Racial Discrimination Section of the Office of the United Nations High Commissioner for Human Rights is specifically tasked with the mandate of furthering the struggle against racism, racial discrimination, xenophobia and related intolerance. In 2014 the United Nations High Commissioner for Human Rights decided to change the name of the section to the Anti-Racial Discrimination Section to better reflect the core activities undertaken and to clarify the particular focus of the Section within the Rule of Law, Equality and Non-Discrimination Branch of OHCHR.**

42. **The prohibition of racial discrimination is enshrined in all core international human rights instruments, placing obligations on States and tasking them with eradicating discrimination in the public and private spheres. In 2001, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance adopted the Durban Declaration and Programme of Action. In 2009, the Durban Review Conference adopted an outcome document and in 2011 the high-level meeting of the General Assembly**

to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action adopted a political declaration (General Assembly resolution 66/3). These documents provide a comprehensive international framework to address the scourge of racism and place victims at the centre of the efforts of the international community to prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance. OHCHR supports efforts to implement these documents.

43. **OHCHR urges all Member States to take all necessary measures to implement the Durban Declaration and Programme of Action, the outcome document and the political declaration and address the grievances of the past as well as contemporary manifestations of discrimination on the ground of race and ethnicity.**

44. **OHCHR would welcome support from Member States and all relevant stakeholders for ongoing activities to effectively combat racism, racial discrimination and related intolerance.**